

REMARKS

At the outset, Applicant respectfully notes that a PCT Article 19 amendment was submitted that amended claims 1-16 to claims 1-8 prior to entry into the U.S. national phase. Applicant respectfully requests entry of the claims as amended in the PCT Article 19 amendment.

In this regard, the listing to the claims represents the claims as amended in the PCT article 19 amendment. As such, references to claims numbers below refer to the claims as amended in the PCT article 19 amendment unless specifically noted otherwise. If the Examiner would prefer reference to the original claims 1-16 as originally filed in the PCT application, Applicant's representative will file a supplementary amendment provided the Examiner considers this amendment filed on May 15, 2009 as responsive to the Office Action, so as not to incur an additional time extension fee.

To aid the Examiner,

- Independent claim 1 corresponds to original claims 1 and 4;
- Dependent claims 2, 3 and 4 correspond to original claims 2, 3 and 5;
- Independent claim 5 corresponds to original claims 8 and 9;
- Dependent claims 6 and 7 correspond to original claims 11 and 12; and
- Canceled claim 8 corresponds to original claims 15 and 16.

All the remaining original claims were canceled in the PCT Article 19 amendment.

In view of the above, reconsideration of this application as amended is respectfully requested. Claim 8 has been canceled. As such, claims 1-7 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1-5 have been rejected under 35 U.S.C. §101 because, according to the Examiner, the claims do not positively tie to another statutory subject matter. Applicant respectfully disagrees. In particular, claim 1 particularly requires "processing a received signal with a phase-locked-loop". Applicant respectfully

submits that this is NOT a mental step and – in fact – positively ties the step to a receiver apparatus.

In view of the above, Applicant respectfully submits that the rejection of claims 1-5 under 35 U.S.C. §101 has been overcome.

The rejection of original claims 1, 5, 8 and 13 under 35 U.S.C. §102(b) has been rendered moot in view of the PCT Article 19 amendment.

The rejection of original claim 14 under 35 U.S.C. §102(b) has been rendered moot in view of the PCT Article 19 amendment.

Independent claim 1 (original claims 1 and 4) and claim 5 (original claims 8 and 9) have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0067778 to Ahn (*Ahn*) and “A Digital Transmission System Using Quaternary Partial Response CPM Principle Structure and Measurement Results” to Matzner et al. (*Matzner*) and further in view of U.S. 4,297,650 to Shinmyo (*Shinmyo*). Applicant respectfully disagrees.

In particular, the combination of *Ahn*, *Matzner* and *Shinmyo* does not yield Applicant’s invention. For example, consider *Shinmyo*. The Examiner states that *Shinmyo* “discloses a false lock in a PLL is due to the frequency offset linked to the modulation rate (sampling frequency f_s), col. 1, lns. 35-39”. This has nothing to do with Applicant’s claimed invention. Applicant’s claims 1 and 5 particularly require:

detecting a false lock condition as a function of comparing the carrier frequency offset estimate to a closed loop value of the PLL.

Nowhere does *Shinmyo* describe or suggest this requirement of Applicant’s claims 1 and 5. Applicant respectfully does not understand how the Examiner’s statement that *Shinmyo* “discloses a false lock in a PLL is due to the frequency offset linked to the modulation rate (sampling frequency f_s)” has anything to do with detecting a false lock condition as a function of comparing the carrier frequency offset estimate to a closed loop value of the PLL as required by Applicant’s claim 1.

In view of the above, Applicant respectfully submits that claims 1 and 5 are patentable over the combination of *Ahn*, *Matzner* and *Shinmyo*.

As a result of the above, Applicant respectfully submits that the remaining rejections of dependent claims 2, 3, 4, 6 and 7 (original claims 2, 3, 5, 11 and 12) has been overcome.

In addition, the other rejections of original claims 6, 7, 10, 15 and 16 has been rendered moot in view of the PCT Article 19 amendment.

As it is believed that all of the objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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